



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0254/18
2	Advertiser	Skoda
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/05/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative OR degrading - children
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

A family is seen driving a Skoda Kodiaq, with the young girl in the back singing 'Black Velvet'. Her parents are depicted as being really impressed with the way their daughter is singing. They drive past another family and from the outside of the car the young girl is heard singing off-key.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

Highly sexualised little girl aged approx 3. This is inappropriate and wrong.

Ad uses sexualisation of a female minor in the promotion of the car in breach Code of Ethics:

"Advertising or Marketing Communication shall not employ sexual appeal:

(a) where images of Minors, or people who appear to be Minors, are used; or

(b) in a manner which is exploitative or degrading of any individual or group of people"





The song is totally inappropriate to be sung by a child and is irrelevant for a car ad . Having grown up in the 80s with this song, I am well aware the song is about strong attraction that will lead to sex.

Because it was totally sexualising that young girl and the parents were encouraging her behaviour.

In the climate of sexual predators preying children. This add is extremely offensive and needs to be removed from the tv altogether. Shame on Skoda

I object to the sexualisation of a young girl for the purposes of selling a vehicle. The fact that the parents in the ad show approval of her behaviour is distressing, and the song "Black Velvet" is of a highly sexual nature in its language and content. This ad appeared during the screening of "Handmaids Tale" which draws our attention to the exploitation of women and just prior to the ad we had seen a woman tortured by burning, to make her comply. If the above is acceptable in the ad, I fear we may be seeing a possible progression to the contents of the "Handmaids Tale" as a means of persuading us to buy the Skoda Vehicle. All we need is for a few good people to say nothing!

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

The complaints are understood to raise issues under Section 2 of the AANA Advertiser Code of Ethics.

Specifically;

- 2.2 - Objectification Exploitative OR degrading - children
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

The complaints reference the use of the song "Black Velvet" and the sexualization of the young girl in the ad.

The complainants' offence to the advertisement claims is based on their understanding that the song used is "about sex with an African American man". The assertion of the meaning of this song is incorrect, in fact the song is about Elvis Presley:

From Wiki -

"The song is a written story about Elvis Presley. The words "black velvet" are a multi-faceted reference that can be applied to Elvis in numerous ways. (1) The "Velvet Elvis" phenomenon of his likeness frequently being painted on black velvet. (2) The soulful



and smooth "black" baritone sound of Elvis" voice and the many African American recording artists and singers he emulated to create his special brand of rock n" roll. (3) Black Velvet was the brand name of the hair dye Elvis used to give his normally light brown hair its distinctive black sheen. (4) Black Velvet is also the name of a Canadian whiskey, referred to in the line "Black Velvet, if you please."

Black Velvet is described as a "new religion that'll bring you to your knees," a possible reference to the near-religious fervor with which Elvis was regarded by many fans early in his career. The chorus tells of "Black velvet and that little boy's smile/Black velvet with that slow, Southern style", a reference to Elvis' trademark lopsided grin and Southern heritage. The end of the first verse claims that "The boy could sing, knew how to move, everything/Always wanting more, he'd leave you longing for [black velvet]", a reference to Elvis' singing, distinctive movements on stage, and charisma.

While the first verse discusses the beginning of Elvis' life - "Mama's dancing with baby on her shoulder" - the second talks about the height of his career - "Mama's baby is in the heart of every schoolgirl; Love Me Tender leaves 'em crying in the aisles". The bridge references his death - "In a flash he was gone, it happened so soon, what could you do?"

Regardless, if the complainant's understanding were accurate, it would be similar to case 95/02 which also references a complaint regarding lyrics, in that case the interpretation of lyrics would have been even more overtly sexual when seen with visuals, and this particular complaint was dismissed.

The commercial did not air during day time Television, it was scheduled to run only during The prime time show 'The Handmaids Tale' on SBS at 8:30pm on Thursday nights.

Please note that we have in good faith removed the TV Commercial from airing and do not intend to run it again in the future.

THE DETERMINATION

The Ad Standards Community Panel (the "Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel noted the complainants' concern that the advertisement features sexualised images of a minor.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications



should not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people.”

The Panel noted the television advertisement featured a young girl in the backseat of a car singing ‘Black Velvet’. Her parents are really impressed with the way the young girl is singing. As they drive past another family the girl is heard singing off-key from outside the car.

The Panel noted the complainants’ concerns that the advertisement sexualised the young girl in the advertisement by depicting her singing a sexual song while tossing her hair, pouting and dancing in a sexualised manner.

The Panel considered that the lyrics of the song being sung by the girl were not inappropriate and the use of the song ‘Black Velvet’ did not in itself sexualise the girl.

The Panel then considered whether the girl herself was depicted in a manner which would employ sexual appeal.

The Panel noted that the television advertisement depicted a young girl singing enthusiastically to the song black velvet, including scenes where she shakes her hair free of its tie and tosses her hair and where she sings directly into the camera while smiling.

The Panel considered the movements of the girl were theatrical and intended to depict the young girl having fun singing in an over-the-top way to a song in the back of the car.

The Panel considered the girl’s audience were her parents and that the theme of the advertisement was the girl’s parents having a rose-coloured view of the quality of the girl’s performance.

The Panel considered that the young girl was depicted singing in an adult manner, however considered that this depiction was showing the girl in a theatrical, rather than sexualised way.

The Panel considered that the advertisement did not portray the young girl as a sexual being in any way, and considered that the advertisement did not contain sexual appeal.

In the Panel’s view, the advertisement did not employ sexual appeal where images of minors were used, and did not breach Section 2.2 of the Code.

The Panel then considered whether the advertisement was in breach of Section 2.4 of



the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Panel noted that the television advertisement had been given a ‘G’ rating by CAD and the audience for this advertisement could be broad and would likely include children. However, the Panel noted the advertiser’s response that the advertisement was scheduled only to run during ‘the Handmaids Tale’ after 8:30pm on Thursday nights. The Panel noted the television show was rated MA15+ and would therefore be restricted to a mainly adult audience.

The Panel considered the complainants’ concern that the advertisement featured a young girl singing a song with sexualised lyrics.

The Panel considered the advertiser’s response that the lyrics of the song were about Elvis Presley’s life and were not sexually explicit, and were not a strong focus of the advertisement.

The Panel considered that the girl was not depicted in a sexualised manner.

The Panel considered that there was no depiction of sex, sexuality or nudity in the advertisement.

The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.

